

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA
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March 2, 2007

NOTICE OF CORRECTION

From: Clerk's Office

Case Style: Anthony Keith Vaughn v. Officer Scroggins, et al.

Case Number: 3:06-cv-1103-WKW

Pleading : Exhibit C to #10 Special Report

Notice of Correction is being filed this date to advise that the referenced pleading was e-filed on 2/28/2007 with the unsigned affidavit of Sheriff Jay Jones attached as Exhibit C.

The signed affidavit has been exchanged as Exhibit C and is attached to this notice.

Exhibit C
Affidavit of Sheriff Jay Jones

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

ANTHONY KEITH VAUGHN,

Plaintiff,

V.

OFFICER SCROGGINS, et al.,

Defendants.

Civil Action No. 3:06-cv-1103-WKW

AFFIDAVIT OF JAY JONES

STATE OF ALABAMA

COUNTY OF LEE

BEFORE ME, the undersigned authority and Notary Public in and for said County and State at large, personally appeared Jay Jones, who being known to me and being by me first duly sworn on oath deposes and says as follows:

1. My name is Jay Jones. I am over the age of nineteen and competent to execute this affidavit.

2. I am the duly elected Sheriff of Lee County, Alabama, and have served in such capacity since 1999.

3. I am familiar with the Plaintiff Anthony Keith Vaughn due to his incarceration in the Lee County Detention Center. I have no personal knowledge of any of the specific allegations that form the basis of Plaintiff's Complaint.

4. As Sheriff of Lee County, I am responsible for promulgating the policies governing the Lee County Detention Center.

5. I state affirmatively that I neither acted, nor caused anyone to act, in such a manner as to deprive the Plaintiff of any right to which he was entitled.

6. It is the policy of the Lee County Sheriff's Office that Detention Center staff use only the minimum physical force necessary to control combative or uncooperative inmates. Physical abuse is not used to punish an inmate for a rule violation.

7. It is the policy of the Lee County Sheriff's Office that force and restraints are used in the Lee County Detention Center only when it is necessary to do so in order to maintain appropriate control and management and provide for secure and orderly running of the Detention Center.

8. The Lee County Sheriff's Office operates the Lee County Detention Center under the belief that control and management of inmates incarcerated there should be by sound scientific methods, stressing moral values and organized persuasion rather than depending upon physical force for effective management and control.

9. When the use of force is necessary, only the minimum amount needed to accomplish the task at hand is used.

10. Physical force is used only as a last resort. All reasonable attempts are made to identify and utilize alternative means to deal with the situation.

11. Physical force or chemical agents may be used in the following incidences:

- a. Prior to the use of deadly force to prevent the commission of a felony, including escape or to prevent an act which could result in death or serious bodily harm to one's self or another person.
- b. In defending one's self or others against any physical assault.
- c. To prevent the commission of a misdemeanor.
- d. To prevent serious damage to property.
- e. To enforce Detention Center regulations.

f. To prevent or quell a riot.

12. It is the policy of the Lee County Sheriff's Office to establish rules and regulations governing the behavior of persons incarcerated in the Lee County Detention Center and to subject such persons to discipline for violation of those rules only in a matter which provides due process for the accused person.

13. Using profanity or derogatory remarks or gestures to a staff member is a major offense, subjecting the inmate to lockdown.

14. It is the policy of the Lee County Sheriff to maintain a healthy environment within the Lee County Detention Center for the benefit of both inmates and the Detention Center staff.

15. It is the policy of the Lee County Sheriff that the staff of the Lee County Detention Center maintain strict sanitation practices which will provide persons incarcerated in the Detention Center and members of the Detention Center staff with a healthy and sanitary living and working environment.

16. It is the policy of the Lee County Sheriff's Office to maintain a housekeeping plan at the Lee County Detention Center in order that all areas of the Detention Center are kept clean and sanitary.

17. Inmate housing areas are cleaned by the inmates assigned to that cell at least two times daily.

18. The first and second shift supervisors ensure that appropriate cleaning supplies and equipment are issued to inmates and ensure that inmates are properly instructed to clean their cells and common areas.

19. Each cleaning consists of the following: Floors are swept and mopped. Toilets are scrubbed with toilet cleanser and disinfectant. Sinks and showers are scrubbed with scouring cleanser and disinfectant. Tables and benches are washed. Bunks and sleeping areas are made clean and orderly. Trash receptacles are emptied and washed daily.

20. The shift supervisor on duty will require inmates to re-clean any areas which are not cleaned correctly the first time including any areas where mildew is present.

21. The Lee County Detention Center staff also uses a steam sanitizer on a regular basis to clean the shower areas of the Facility.

22. It is the policy of the Lee County Sheriff's Office that members of the Detention Center staff receive and answer any written grievances or requests made by inmates to the Sheriff, chief deputy sheriff, or Detention Center personnel.

23. Inmates housed in the Lee County Detention Center are furnished with Inmate Request Forms for the purpose of stating their requests or grievances in writing. Detention Center personnel are charged with the responsibility of receiving and forwarding these forms to the proper authority at any time they are offered a completed form by an inmate. The officer receiving the request form is to answer the request if possible. If that officer is unable to answer the request, he is to forward it to the appropriate individual and/or up the chain of command until the request is answered. If the request form is directed to a particular officer, the officer receiving the request will forward the request to the officer to whom the request is directed. If the officer to whom the request is directed is not on duty that day, the request will be addressed on that officer's next scheduled working day.

24. Internal grievance procedures at the Lee County Detention Center are available to all inmates. It is the policy of the Lee County Sheriff's Office that inmates are permitted to submit grievances and that each grievance will be acted upon.

25. All inmates are provided access to a Lee County Detention Center Inmate Handbook. All inmates are provided a copy of the Lee County Detention Center Inmate Handbook when they are booked into the jail. Plaintiff signed a receipt showing that he had received a copy of the handbook and could read it. The inmate handbook states that an inmate may report a grievance on an inmate request form. Grievances are first answered by the appropriate staff at the lowest level in the chain of command. The inmate handbook also states that if the inmate is not satisfied with the first answer to his grievance, the inmate may appeal all the way up the chain of command, up to the Sheriff, who will make the final decision.

26. I have never received a grievance or request form from the Plaintiff concerning any of the allegations made the basis of his Complaint. Per Lee County Sheriff's Office policy, an inmate has the opportunity to appeal any grievance to me if he were not satisfied with the response at the lower levels in the chain of command. The Plaintiff has not appealed any grievance to me. Accordingly, the Plaintiff has failed to exhaust his administrative remedies at the Lee County Detention Center.

27. When an inmate is booked into the Lee County Detention Center the shift supervisor assigns the inmate to a cell. Felony pretrial inmates are held on the F-wing of the jail. Inmates charged with murder are housed in the maximum –security E-wing. The D-wing of the jail houses inmates charged with misdemeanors along with trustys.

28. I have never harassed or threatened Plaintiff in any manner. I never made any statement to the Plaintiff indicating that I would "beat him up" or cause him any harm whatsoever.

29. The heating system for the Lee County Detention Center maintains a temperature between 68 and 70 degrees Fahrenheit in all inmate cells. Increasing this temperature increases the opportunity for germ growth. If a problem does occur within the heating system, a service professional is called to fix it immediately. Plaintiff has never been housed in a cell without adequate heat.

30. The Lee County Detention Center is painted once every two years. If significant paint chipping occurs in between paintings, that spot will be repainted. Often, inmate vandalism to cell walls causes paint to chip. Sprinklers throughout the jail are fully functional and are not painted over. Jail officials inspect all surfaces after being painted and ensure that sprinkler heads are functional. Also, the Lee County Detention Center is inspected by fire department officials every six months to ensure sprinklers are operational.

31. I have complied with all policies and procedures of the Lee County Detention Center. I am not aware of nor have I authorized or allowed any deviation from said policies and procedures.

32. I swear, to the best of my present knowledge and information that the above statements are true, that I am competent to make this affidavit and that the above statements were made by drawing from my personal knowledge of the situation.



JAY JONES

SWORN TO and SUBSCRIBED before me this 28 day of February, 2007.

Arlis D. Bridges
NOTARY PUBLIC
My Commission Expires: MY COMMISSION EXPIRES FEB. 5, 2011